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EXAMINER	
BOUTAH, ALINA A	

ART UNIT	PAPER NUMBER
2143	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/982,511	SARKISIAN, DREW	
	Examiner	Art Unit	
	Alina N. Boutah	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,6-9,11 and 13-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 6-9, 11 and 13-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed May 21, 2007. Claims 1, 6-9, 11, 13 and 15-16 are pending in the present application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 21, 2007 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 7, 11, 13, 14 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 1, the specification discloses that the standard form data is different from the non-standard form data, however, it does not disclose that the program is ***not*** operable with the non-standard form data as amended in the claim.

Regarding claim 7, the claimed "CDPD" system is nowhere disclosed in the specification. It is assumed that this acronym stands for "cellular digital packet data" as commonly known in the art.

Regarding claim11, the specification does not disclose that the translation is done *without* ***any proxy*** required as amended in the claim.

Regarding claims 13 and 14, the specification does not disclose that the application program operable only with the standard data for the application program as amended in the claim. Furthermore, the specification discloses that the server proxies specialized protocol to the standard programs in a standard protocol (specification, abstract, page 3, lines 16-20). However, the server does *not* include a translator for converting a standard of the standard network protocol to a specialized data of the specialized network protocol, and converting the specialized data for the specialized network protocol to the standard data of the standard network protocol as claimed. All of the conversions are done through the hooking layer in the client device (page 2, lines 11-13). Not the server.

Regarding claim 16, the specification does not disclose that the server translates the specialized data to standard protocol. All of the conversions are done through the hooking layer in the client device (page 2, lines 11-13).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 6-9, 11, 13-14 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 6-9, the specification discloses "specialized protocols" throughout the specification. However, it does not disclose specialized Internet protocol (IP) as claimed. It is unclear whether these two protocols are the same.

Regarding claim 11, the specification (i.e. page 8, lines 8-9) discloses that the hooking layer serves as an "invisible proxy." However, the amended claim recites "the hooking layer is included in the client device and directly operates to translate the non-standard data *without* ***any proxy*** required." The claim contradicts the disclosure in the specification. If the hooking layer itself serves as a proxy, then how can any proxy not be required? A clarification is requested.

Regarding claim 13, it is unclear as to what is intended by "wherein the specialized data is communicable over the second communication link, ***by and between*** the client and server" (emphasis added).

Regarding claim 16, it is unclear as to how a specialized ***data*** is translated to a standard ***protocol*** (emphasis added).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,724,355 issued to Bruno et al.

Regarding claim 13, Bruno teaches a communications network, comprising:

a server (gateway server 125, server 204), comprising:

a first communications link for connecting in accordance with a standard network protocol (H.320 protocol which is standard to terminals 101-104);

a second communications link for communicating in accordance with a specialized network protocol (TCP/IP which is not standard to terminals 101-104); and

a translator connected to the first communications link and the second communications link, for converting the standard data of the standard network protocol to a specialized data of the specialized network protocol and for converting the specialized data of the specialized network protocol to the standard data of the standard network protocol (col. 3, lines 10-24); and

a client (terminals 101-104) communicatively connected to the server (125) via the second communications link for communicating with the server in accordance with the specialized network protocol on the second communication link comprising:

a network connector for receiving communications of the specialized network protocol from the server over the second communications link and for transmitting communications of the specialized network protocol to the server over the second communications link (col. 2, line 64 to col. 3, line 8);

a hook of the client connected to the network connector (col. 2, lines 17-26 – the DLL);

an application program of the client connected to the hook (col. 2, lines 66-67 - terminal's application program), the application program operable only with the standard data for the application program (col. 1, lines 61-64 – "a PC operating in accordance with the H.320 standard is thus constrained to communicate only with one or more similar devices operating under the same standard.");

wherein the hook comprises: a specialized socket of the client device connected to the application program for operating the application program using the specialized data (col. 2, lines 8-23 – Winsock or windows socket);

wherein the specialized data is communicable over the second communication link, by and between the client and server, and comprises the specialized network protocols (col. 2, line 64 to col. 3, line 8).

Regarding claim 15, Bruno teaches a method of communications between a server and a client, comprising the steps of:

transmitting a specialized data via a specialized protocol in communications between the client and the server (col. 2, line 64 to col. 3, line 9 – transmitting the TCP/IP formatted request);

receiving the specialized data via the specialized protocol in communications between the client and the server (col. 2, line 64 to col. 3, line 9 – receiving the TCP/IP formatted request);

hooking at the client the specialized data received by the client from the server in communications from the server to the client, to discern between an application standard data of the specialized data and an application non-standard data of the specialized data (col. 3, lines 3-9 – "Information retrieved over the Internet is received by the gateway server in TCI/IP format, and then passed, in that format to the user's terminal over the H.320 data stream. The custom Winsock DLL within the terminal removes the TCP/IP formatting and passes the information to the application program, where it is available to the user." – the fact that the Winsock removes the TCP/IP formatting implies that the standard data and specialized data are inherently distinguished); and

operating an application of the client, the application requiring the application standard data, by translating at the client the application non-standard data to the application standard data

for the application (col. 3, lines 7-9 – "the custom Winsock DLL within the terminal removes the TCP/IP formatting and passes the information to the application program, where it is available to the user.").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 6-9, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,724,355 issued to Bruno et al. in view of USPN 6,738,614 issue to Blankenship et al.

Regarding claim 1, Bruno teaches a communication network, comprising:

a server computer (figure 1: 125), capable of communicating over a communication link in accordance with a specialized protocol comprising a non-standard form data (the abstract discloses a gateway server 125 that locally converts H.320 data to TCP/IP format for transport onto the internet and converts TCP/IP format back to H.320 data for transport onto the terminals. In this case, the TCP/IP is interpreted as specialized protocol because the terminals do not support it, and the H.320 is standard protocol to the terminals);

a client device (terminals 101-104), capable of communicating with the server computer over the communication link in accordance with the specialized protocol comprising the non-standard form data (col. 3, lines 7-9 – "the custom Winsock DLL within the terminal removes

the TCP/IP formatting and passes the information to the application program, where it is available to the user.");

a program of the client device (col. 2, lines 66-67 - terminal's application program), operable with a standard form data for the program (H.320), the standard form data is different from the non-standard form data and the program is not operable with the non-standard form data (col. 1, lines 61-64 – a PC operating in accordance with the H.320 standard is thus constrained to communicate only with one or more similar devices operating under the same standard.);

a hooking layer (col. 2, lines 17-26 – the DLL), comprising:

a specialized socket of the client device for receiving the non-standard form data of the specialized protocol and translating the non-standard form data to the standard form data, for use by the program (col. 3, lines 7-9 – "the custom Winsock DLL within the terminal removes the TCP/IP formatting and passes the information to the application program, where it is available to the user."); and

a switch for selecting the specialized socket, for communicating with the server computer by the client device according to the specialized protocol comprising the non-standard form data (col. 2, lines 8-17 – "Winsock application");

wherein the client device operating the program directly receives the non-standard form data via communications with the server computer of the specialized protocol, and the hooking layer of the client device translates the non-standard form data to corresponding standard form data usable by the program (col. 3, lines 3-9 – "Information retrieved over the Internet is received by the gateway server in TCI/IP format, and then passed, in that format to the user's

terminal over the H.320 data stream. The custom Winsock DLL within the terminal removes the TCP/IP formatting and passes the information to the application program, where it is available to the user.").

However, Bruno does not explicitly teach the communication link being wireless. In an analogous art, Blankenship teaches a server and client communicating over a wireless link wherein the data (non-standard to the wireless device) is converted so as to be interpreted by a wireless device (standard to the wireless device) (see abstract; col. 1, lines 49-55).

At the time the invention was made, one of ordinary skill in the art would have been motivated to convert data into standard form in a wireless network in order to devices such as wireless devices to be able to communicate with non-standard forms, thus expanding data communication capabilities.

Regarding claim 6, Bruno does not teach wherein the wireless communications link carries a cellular packetized data for communications between the client device and the server. In an analogous art, Blankenship teaches a wireless communications link carrying a cellular packetized data for communications between the client device and the server (col. 4, lines 6-10 – cellular data, by definition, cellular data are inherently packetized). At the time the invention was made, one of ordinary skill in the art would have been motivated to employ cellular packetized data in order to allow wireless communication, thus improving fast and mobile communication.

Regarding claim 7, Bruno does not teach wherein the wireless communication is a CDPD system. As commonly known in the art, it is assumed that this stands for "cellular digital packet

data." Blankenship teaches wireless device which may be digital cellular telephone (col. 4, lines 6-10 –cellular data, by definition, cellular data are inherently packetized). At the time the invention was made, one of ordinary skill in the art would have been motivated to employ cellular digital packet data in order to allow wireless communication, thus improving fast and mobile communication.

Regarding claim 8, Bruno teaches a method of communications, wherein a client device communicates with a server computer, and wherein the client device runs a standard program using a standard format data (H.320), comprising the step of:

serving a first information by the server computer to the client device according to a specialized protocol receivable by the client device (TCP/IP), the first information comprising a non-standard format data because of the specialized protocol (the abstract discloses a gateway server 125 that locally converts H.320 data to TCP/IP format for transport onto the internet and converts TCP/IP format back to H.320 data for transport onto the terminals. In this case, the TCP/IP is interpreted as specialized protocol because the terminals do not support it, and the H.320 is standard protocol to the terminals);

receiving the first information by the client device according to the specialized protocol (col. 3, lines 3-9 – "Information retrieved over the Internet is received by the gateway server in TCI/IP format, and then passed, in that format to the user's terminal over the H.320 data stream. The custom Winsock DLL within the terminal removes the TCP/IP formatting and passes the information to the application program, where it is available to the user.");

determining that the first information comprises the non-standard format data (col. 3, lines 3-9, because the terminal removes the TCP/IP formatting, it inherently determines that the information is non-standard); and

translating at the client device the non-standard format data to the standard data useable by the standard program (col. 3, lines 3-9 – "The custom Winsock DLL within the terminal removes the TCP/IP formatting and passes the information to the application program, where it is available to the user.").

However, Bruno does not explicitly teach the communication link being wireless. In an analogous art, Blankenship teaches a server and client communicating over a wireless link wherein the data (non-standard to the wireless device) is converted so as to be interpreted by a wireless device (standard to the wireless device) (see abstract; col. 1, lines 49-55).

At the time the invention was made, one of ordinary skill in the art would have been motivated to convert data into standard form in a wireless network in order to devices such as wireless devices to be able to communicate with non-standard forms, thus expanding data communication capabilities.

Regarding claim 9, Bruno teaches wherein the step of translating includes the step of invoking non-standard dynamic link libraries (col. 3, lines 3-9 – the Winsock DLL removing non-standard formatting).

Claim 11 is substantially similar to claim 1, and is thus rejected for reasons similar to those in rejecting claim 1. However, claim 11 further recites that the hooking layer directly

operates to translate the non-standard data without any proxy required. The feature is known in the art as evidenced by Bruno in col. 3, lines 3-9, which recites "information retrieved over the Internet is received by the gateway server in TCI/IP format, and then passed, in that format to the user's terminal over the H.320 data stream. The custom Winsock DLL within the terminal removes the TCP/IP formatting and passes the information to the application program, where it is available to the user."

Regarding claim 14, Bruno does not explicitly teach the communication link being wireless. In an analogous art, Blankenship teaches a server and client communicating over a wireless link wherein the data (non-standard to the wireless device) is converted so as to be interpreted by a wireless device (standard to the wireless device) (see abstract; col. 1, lines 49-55).

At the time the invention was made, one of ordinary skill in the art would have been motivated to convert data into standard form in a wireless network in order to devices such as wireless devices to be able to communicate with non-standard forms, thus expanding data communication capabilities.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,724,355 issued to Bruno et al.

Regarding claim 16, Bruno teaches detecting the specialized data received by the server from the client (col. 2, line 64 to col. 3, line 8 - the gateway server receiving TCP/IP data from

the client and passing it to the internet). However, Bruno does not explicitly teach the server translating the specialized data to a standard protocol for communications with other than the client. Although not taught, one of ordinary skill in the art would recognize that this is obvious in the art. If the server is capable of translating and communicating the translation with the client, it can also be easily modified to communicate the translated data with other than the client. One of ordinary skill in the art at the time the invention was made would have been motivated to do this in order to expand the capability of the communication.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

It is noted that the column, line, and/or page number citations used in the prior art references as applied by the Examiner to the claimed invention are for the convenience of the Applicant to represent the relevant teachings of the prior art. The prior art references may contain further teachings and/or suggestions that may further distinguish the citations applied to the claims, therefore, the Applicant should consider the
entirety of these prior art references during the process of responding to this Office Action. It is further noted that any alternative and non-preferred embodiments as taught and/or suggested within the prior art references also constitute prior art and the prior art references may be relied

upon for all the teachings would have reasonably suggested to one of ordinary skill in the art. See MPEP 2123.

The prior art listed in the PT0-892 form included with this Office Action disclose methods, systems, and apparatus similar to those claimed and recited in the specification. The Examiner has cited these references to evidence the level and/or knowledge of one of ordinary skill in the art at the time the invention was made, to provide support for universal facts and the technical reasoning for the rejections made in this Office Action including the Examiner's broadest reasonable interpretation of the claims as required by MPEP 2111 and to evidence the plain meaning of any terms not defined in the specification that are interpreted by the Examiner in accordance with MPEP 2111.01. The Applicant should consider these cited references when preparing a response to this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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